IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 359 OF 1998

DATED: 23-01-2006

Between:

M.NAGARAJA KUMARI PETITIONER

AND

The Regional Manager, APSRTC,

Vizianagaram and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 359 OF 1998

ORAL ORDER:

The action of the respondents in rejecting the candidature of the petitioner for the post of conductor on the ground of short of height by one centimeter is challenged in the present writ petition.

Pursuant to a general notification, the petitioner applied for the post of Conductor in the respondent corporation under 33% women quota and attended for interview held on 30.12.1997. Thereafter her case was rejected on the ground that she does not possess the required height and short by one centimeter.

The writ petition was admitted in the year 1998. While the matter is pending, the petitioner filed a petition under section 151 of Civil Procedure Code questioning the action of the respondent corporation in not extending the benefit of relaxation of height to the petitioner on par with the lady dependants of the deceased employees by circular No.PD/68/2000 dated 30.11.2000 and for consequential direction to the respondents to appoint the petitioner as conductor by relaxing the condition. Learned Standing Counsel for respondent corporation expressed no objection and the said petition was accordingly ordered today.

The arguments of the learned counsel for petitioner is three folds; firstly, it is contended that the normal height of the Indian women is less and range in between 5 feet to 5.6 inches and that the petitioner is short by only one centimeter and the same in no manner affect her performance. Secondly, it is contended that the matter is covered by a judgment of this Court in W.P. No. 6822 of 1997, wherein this Court in similar circumstances, directed the respondents to reconsider the case of the petitioner therein for appointment as Conductor Grade III. Thirdly, it is contended that the corporation has relaxed the condition of height by seven centimeters in pending cases of lady dependents of employees died in harness and the same benefit shall be extended to the other women candidates including the petitioner, who is only short by one centimeter.

A counter affidavit was filed on behalf of the respondent corporation sworn in by its Law Officer *inter alia* stating that as per APSRTC Employees (Recruitment) Regulations, 1964 which were approved by the Government of Andhra Pradesh, the height required for the post of Conductor is 153 CMs and the petitioner is short by one centimeter and does not possess the minimum height, as such her case was not considered. The cases of other candidates who obtained more marks than the petitioner and found under-height were also rejected in terms of the Rules of the corporation.

The learned standing counsel for respondent corporation submitted that pursuant to directions of this Court in W.P.M.P. No. 8168 of 1997 in W.P. No. 6822 of 1997 a

committee was constituted and has examined the issue of minimum height for the post of women conductors and felt that there is no need to reduce minimum height prescribed for the post of women Conductor Grade II.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent-corporation and perused the material available on record including the report submitted by the committee constituted by the respondent corporation to examine the minimum height.

Admittedly, the petitioner does not fulfill the minimum height prescribed for the post of women Conductor, and is short by one centimeter. The Expert Committee constituted by the respondent corporation examined the issue of minimum height for women Conductors and opined that there is no need to relax the height and recommended to continue the existing minimum height i.e., 153 CMs. When an Expert Committee has examined the matter and recommended to continue the existing minimum height of 153 Cms, this Court which has no expertise to examine the requirements for appointment to the post of Women Conductor, cannot interfere in the matter and take a different view than that of the Expert Committee.

The contention of the learned counsel for petitioner for reconsideration of the case of the petitioner in terms of orders of this Court in W.P.6822 of 1997 dated 28.8.1997 cannot be accepted inasmuch as the dispute in the said writ petition is with regard to difference in measurements of height of the petitioner therein. More over, the orders were modified by the Division Bench in W.A. No.1129 of 1997 and 1053 of 1998 by Judgement dated 1.10.2001 thereby referring the petitioner therein to the Medical Board of the Osmania Hospital for taking fresh measurements. Thus, the said orders cannot be applied to the instant case.

Now the question that remains to be answered is, whether the petitioner is entitled to seek relaxation on par with the dependents of the employees who died in harness. The Corporation has relaxed the minimum height in cases of dependents of the employees who died in harness to accommodate one of the eligible persons from the distressed family which has lost the bread-winner. Admittedly, in the instant case, the petitioner does not belong to the category of dependents of the employees died in harness and has applied for the post of Conductor pursuant to general notification, as such she cannot claim any relaxation whatsoever granted to the dependents of the employees who died in harness. Thus, the contention of the

petitioner that she was discriminated is untenable.

For the foregoing reasons, the writ petition fails and is liable to be dismissed. Accordingly the writ petition is dismissed. No costs.

_____

N.V.RAMANA,J

23rd January, 2006

tvk

231

THE HON'BLE MR JUSTICE N.V. RAMANA

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION NO : 359 OF 1998

DATED: 23-01-2006